

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-3, 5, 6, 8-16, 19-31, and 33-40 are currently pending in the present application, Claims 1-3, 5, 6, 19-21, 26-28, 30, 33-36, and 40 having been amended, and Claims 4 and 32 having been canceled without prejudice or disclaimer by way of the present amendment. No new matter has been added.¹

In the outstanding Office Action, Claims 1 and 19 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1-2, 4, 8-16, and 19-27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Engstrom (U.S. Patent No. 6,549,756) in view of Mault, et al. (U.S. Pat. Pub. No. 2003/0208113, hereinafter “Mault”); Claims 3, 5-6, and 28-40 were rejected under 35 U.S.C. § 103(a) as unpatentable over Engstrom in view of Mault and further in view of Yollin (U.S. Patent No. 5,990,866, hereinafter “Yollin”).

Regarding the rejection of Claims 1 and 19 under 35 U.S.C. § 112, second paragraph, Applicants respectfully submit that Claim 19 has been amended to address the rejection, as set forth on pages 2-3 of the outstanding Office Action. Accordingly, the rejection of Claims 1 and 19 under 35 U.S.C. § 112, second paragraph, is believed to have been overcome.

Claim 1 recites, in part, a portable electronics input device for controlling electronic equipments, comprising:

bioindex detecting means for detecting a bioindex of a user through a skin of the user, ***the bioindex includes a pulse wave, the bioindex detecting means includes pulse wave detecting means for detecting the pulse wave of the user and is provided at a rear facing portion opposite to a front facing portion of the casing of the body;***

wherein ***an outer casing rear facing portion of the body includes a detecting portion comprising a finger holding cover having an internal surface shape curved so as to take substantially the same shape as finger tip***

¹ Support for the amendments to Claims 1, 20 and 26 is found in original Claims 2, 4, 32, 35, and 40, at least in the paragraph bridging pages 20 and 21 of Applicants' specification, and in Figs. 9, 10A and 10B.

shape of the user, and a finger tip insertion portion formed between the finger holding cover and the outer casing rear facing portion.²

Turning to the art rejections, regarding the rejection of Claim 35 (which is now, in part, relevant to amended Claim 1), the Office Action asserts that Engstrom and Yollin properly disclose the features of a detecting portion comprising a finger holding cover having an internal surface shape curved so as to take substantially the same shape as finger tip shape of the user, and a finger tip insertion portion formed between the finger holding cover and the outer casing rear facing portion side of the casing at col. 2, lines 51-67, and col. 3, lines 1-55 of Engstrom, and at column 4, lines 2-22 of Yollin.

However, the discussion in Engstrom merely describes that Engstrom includes a number of sensors that may be used to sense a number of blood flow rate readings of a user holding the wireless mobile phone. Further, the discussion in Yollin merely makes a general statement that “a number of suitable alternative physiological response sensors may be used, depending on the breadth and complexity of the physiological information sought.”

However, Engstrom and Yollin are silent regarding an outer casing rear facing portion of the body including a detecting portion comprising a finger holding cover having an internal surface shape curved so as to take substantially the same shape as finger tip shape of the user, and a finger tip insertion portion formed between the finger holding cover and the outer casing rear facing portion. Mault does not cure these deficiencies.

Moreover, Engstrom, Mault, and Yollin are silent regarding the bioindex detecting means includes pulse wave detecting means provided at a rear facing portion opposite to a front facing portion of the casing of the body.

As amended Claim 1 expressly requires these functions and structures, it is respectfully submitted that amended Claim 1 patentably defines over Engstrom, Mault, and Yollin.

² Emphasis added.

Accordingly, Engstrom, Mault, and Yollin, either separately or combined, do not disclose or suggest “pulse wave detecting means for detecting the pulse wave of the user, the bioindex detecting means provided at a rear facing portion opposite to a front facing portion of the casing of the body,” **and** “an outer casing rear facing portion of the body includes a detecting portion comprising a finger holding cover having an internal surface shape curved so as to take substantially the same shape as finger tip shape of the user, and a finger tip insertion portion formed between the finger holding cover and the outer casing rear facing portion,” as recited in Claim 1.

Thus, independent Claim 1 (and claims dependent therefrom) patentably defines over Engstrom, Mault, and Yollin. Claim 4 has been canceled, rendering the rejection of this claim moot.

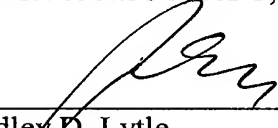
Independent Claims 20 and 26, while differing in scope and statutory class from Claim 1, patentably define over Engstrom, Mault, and Yollin for substantially the same reasons as Claim 1. Accordingly, it is respectfully submitted that Engstrom, Mault, and Yollin do not anticipate or render obvious the features of independent Claims 20 and 26. Therefore, independent Claims 20 and 26 (and the claims dependent therefrom) are believed to patentably define over Engstrom, Mault, and Yollin.

With regard to the rejection of Claims 3, 5, 6, 28-31 and 33-40 as unpatentable over Engstrom in view of Mault and further in view of Yollin, it is noted that Claims 3, 5, 6, 28-31 and 33-40 are dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Yollin does not cure any of the above-noted deficiencies of Engstrom and Mault. Accordingly, it is respectfully submitted that Claims 3, 5, 6, 28-31 and 33-40 are patentable over Engstrom, Mault, and Yollin.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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